

WARRANT FOR SPECIAL TOWN MEETING

MONDAY, MAY 2, 2016

To either of the Constables of the Town of Stoneham in the County of Middlesex, Greeting:

In the name of the Commonwealth of Massachusetts, you are directed to notify and warn the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs to meet in the **Stoneham Town Hall, 35 Central Street, Stoneham** on

Monday, May 2, 2016

at 8:00 o'clock in the evening to act upon the following articles of this Warrant:

Article 1:

To see if the Town will vote to amend the Stoneham Town Code, Chapter 15 Zoning Bylaws, by amending Section 6.7 Signs, as follows, with additions to the current Section 6.7 underlined below and deletions shown as strikeouts:

6.7 *SIGNS:*

6.7.4 *Definitions:*

* * *

- 6.7.4.1 Animated sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. This includes any on-premise sign that displays, or is capable of displaying, or has the ability to display, an electronic image or video, which could include text, as well as any sign that uses or is capable of using lights or similar form of electronic display such as light emitting diodes (LEDs) to form a sign message or messages with text and or images wherein the sequence of messages or the rate of change is electronically programmed or can be modified by electronic processes. This definition includes without limitation any on-premise sign that displays or utilizes, or is capable of displaying or utilizing, or has the ability to display or utilize television screens, plasma screens, digital screens, LED displays, video, video boards, and holographic displays, as well as still images, scrolling images or moving images, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, plasma screen, liquid crystal (LCD) display, fiber optic or other electronic media or technology.

* * *

- 6.7.4.5 Billboard: ~~A sign which does not advertise a business or profession conducted, a service offered or a commodity sold upon the premises where such sign is located. An advertising~~

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sign or other commercial sign which directs attention to a business, commodity, service or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. This is also known as an off-premise commercial sign or a non-accessory sign.

* * *

- 6.7.4.11 Changeable copy sign: A sign that is designed so that characters, letters or illustrations can be changed or rearranged either manually or automatically without altering the [non-letter] face of the sign.

* * *

- 6.7.4.16 Flashing sign: A sign that contains an intermittent or sequential flashing light source, including a sign which exhibits changes in light or color.

* * *

- 6.7.4.26 On-premise sign: A sign that pertains to the use of the premises on which it is located and maintained, also known as an accessory sign. This is distinguished from a billboard, i.e., an off-premise commercial sign, also known as a non-accessory sign.

* * *

6.7.5 *Prohibited signs:*

The following types of signs are prohibited:;

- (a) Animated, moving, flashing, and revolving signs; beacons, searchlights; pennants, portable signs, and balloons.
- (b) Off-premise signs and billboards, except for non-commercial signs and signs permitted pursuant to Sections 6.7.6 (e) and 6.7.8.
- (c) Roof signs.
- (d) Portable signs on wheeled trailers.
- (e) Signs which are attached in any form, shape or manner to a fire escape.
- (f) Any sign not specifically permitted in this bylaw is prohibited.
- (g) A prohibited sign includes an on-premise sign that is operated so as to display an electronic image or video, including text, or that is operated using lights, or any form of

electronic display, such as light emitting diodes (LEDs), liquid crystal (LCD) displays, plasma screens, cathode rays or any other electronic media or technology, to form a sign message or messages with text and or images wherein the sequence of messages or the rate of change is electronically programmed or can be modified by electronic processes. This includes an on-premise sign that displays any message through an intermittent or sequential light source, which for purposes of this section means more than once per day.

6.7.5.1 Operation of On-Premise Signs - Prohibition.

An on-premise sign shall not be allowed to be operated so as to display an electronic image or video, including text, or use lights or any similar form of electronic display such as light emitting diodes (LEDs), liquid crystal (LCD) displays, plasma screens, cathode rays or any other electronic media to form a sign message or messages with text and or images wherein the sequence of messages or the rate of change is electronically programmed or can be modified by electronic processes. This prohibition on the operation of an on-premise sign includes without limitation any television screen, plasma screen, digital screen, cathode ray, Light emitting diode (LED) display, liquid crystal display (LCD), video display, scrolling image, moving image, video board, holographic display, as well as any other type of display by way of any other electronic means, media or technology, including the display of any still image. On-premise signs may not be operated so as to display any message through an intermittent or sequential light source; and for purposes of this section, intermittent shall mean more than once per day.

6.7.8 *Off-Premise and billboard sign:*

6.7.8.1 Applications: Off-Premise and billboard signs or non-accessory commercial signs (hereinafter also referred to as “signs”billboards in this Section 6.7.8) shall be permitted in the Commercial I and Commercial III Zoning Districts only by grant of a Special Permit issued by the Planning Board. Special permits may be limited to a term of years specified by the Planning Board. Any person desiring a Special Permit under this section shall submit a Special Permit application to the Planning Board together with a filing fee of \$2,500.00 and ten (10) copies of the application materials as outlined below:

- (a) Site Plan and area maps identifying the following features:
 - (i) Location of any existing buildings, parking spaces and traffic circulation pattern on the subject parcel;
 - (ii) Proximity of nearest residentially used and residentially zoned property utilizing current area photographs and Stoneham Assessors Maps;
 - (iii) Specific location of proposed ~~sign~~ billboard;
 - (iv) Details of proposed buffer/landscaping area around billboards ~~signage~~ including species and caliper of trees and/or shrubbery;
 - (v) Location of an existing ~~sign(s)~~ billboard(s) on the parcel, including any billboards ~~signs~~ on a building; and
 - (vi) Photographs or architectural depiction of proposed billboard ~~sign~~.

- (b) Billboard Sign details shall include the following information:
 - (i) Detailed dimensions and area of any proposed single or multi-faced sign billboard;
 - (ii) Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Planning Board or the Building Inspector, the Applicant shall provide a structural analysis of the support structure stamped by a licensed structural engineer; and,
 - (iii) Lighting proposal, including cut sheets of all proposed lighting fixtures to be either attached to the billboard sign, structure or affixed to the ground.
- (c) Additional Requirements:
 - (i) Authorization from the property owner (i.e., lease, etc.) granting permission to install ~~proposed signage~~ the proposed billboard and
 - (ii) Any additional information as may be required by the Planning Board to assist the Board in determining whether the application complies with the intent and requirements of this Section 6.7.8.

6.7.8.2 Dimensional Restrictions and Design Guidelines: All billboards signs shall be in compliance with the following requirements:

1. Signs Billboards shall be permitted in the Commercial I and Commercial III Zoning Districts, provided, however, that no ~~sign~~ billboards shall be located further than 100' from any interstate highway layout;
2. Signs Billboards shall not create a material visual impact to any abutting or adjacent residentially zoned and used property in the Town of Stoneham;
3. All billboards signs must be permanently affixed to a main support structure. No portable ~~signs~~ billboards shall be permitted.
4. Billboards Signs shall not have excessive lighting. Electronic ~~signs~~ billboards shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions.
5. Exposed back of ~~signs~~ billboards, poles and other support structures must be painted in a color and finished so as to present an attractive and finished appearance which will blend with the natural surroundings.
6. The following types of ~~signs~~ billboards are prohibited:
 - (i) Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing (other than as addressed pursuant to Section 6.7.8.2 (6) (ii) and (iii) below), revolving, and blinking, and intermittently (see flashing) illuminated ~~signs~~ billboards, beacons (or any light directed at any location other than the ~~sign billboard~~ itself), searchlights, pennants, and inflatable ~~signs~~ billboards, including balloons;
 - (ii) Signs Billboards with physical movements or any kind that change at intervals of more than once every eight (8) seconds;

- (iii) Changeable copy or message ~~signs~~ billboards that change at intervals of more than once every eight (8) seconds. Changes of image shall be instantaneous as seen to the human eye and shall not use fading, rolling, window shading, dissolving or similar effects;
 - (iv) Tri-vision ~~signs~~ billboards;
 - (v) Video billboards ~~signs~~ or billboards ~~signs~~ that otherwise give the illusion of video or moving images;
 - (vi) ~~Signs~~ Billboards with sound;
 - (vii) ~~Signs~~ Billboards with pyrotechnics;
 - (viii) ~~Signs~~ Billboards which by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with any traffic control signal or device or which may otherwise obstruct or interfere with traffic.
- 7. (a) There shall be no more than one ~~sign~~ billboard in the Commercial I Zoning District;
 - (b) There shall be no more than one ~~sign~~ billboard along the interstate highway layout in the Commercial III Zoning District.
 - 8. A ~~sign~~ billboard may be double sided. An individual ~~sign~~ billboard or ~~sign~~ billboard face shall not exceed six hundred seventy-two (672) square feet in total area on each side and shall not exceed fourteen (14) feet in height by forty-eight (48) feet in width, as calculated pursuant to Section 6.7.3.1 of these Zoning Bylaws;
 - 9. A ~~sign~~ billboard shall be mounted on a pedestal or other support structure. The top of the ~~sign~~ billboard shall not exceed fifty (50) feet in height from the elevation of the Interstate Highway immediately adjacent thereto. The bottom of the ~~sign~~ billboard shall not exceed seventy (70) feet in height from the normal grade as calculated pursuant to Section 6.7.3.3 of these Zoning Bylaws;
 - 10. There shall be no ~~sign~~ billboard, including a roof ~~sign~~ billboard, on any building, whether erected or otherwise placed or painted on the building;
 - 11. No ~~sign~~ billboard shall be on or otherwise attached to a tree, utility pole, fence or rock;
 - 12. Lighting or other illumination related to the proposed ~~sign~~ billboard shall not project, glare or negatively impact abutting properties and shall not shine onto abutting roadways;
 - 13. The Applicant shall provide a 10' wide landscaped buffer around the base of the support structure to minimize its visual impact.

6.7.8.3 Criteria for Approval: The Planning Board shall not approve any applications for a Special Permit under Section 6.7.8 unless it finds that all of the following conditions are met and/or are incorporated into any Special Permit decision:

1. The specific site is an appropriate location for the proposed sign billboard and the design and layout complies with the standards and requirements set forth in this Bylaw;
2. The proposed sign billboard will not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;
3. The sign billboard is in accordance with Section 7.4.3.1 of the Zoning Bylaws. Any Special Permit decision shall require compliance with Section 6.7.7.2 "Certificate of Insurance";
4. Any Special Permit decision shall require compliance with Section 6.7.7.3 "Location of sign billboard; inclusion of permit number on sign billboard";
5. Any Special Permit decision shall require compliance with Section 6.7.7.5 "Maintenance; inspection";
6. All permits are subject to any necessary approvals, restrictions and conditions required and/or issued by the Commonwealth of Massachusetts and/or the federal Government; and,

The Planning Board, in granting the special permit, shall attach such additional conditions and safeguards as it deems necessary.

6.7.8.4 Sign Maintenance/Removal:

- (a) All signs billboards and supporting structures shall be kept in good repair and free from tear, rust, and other indices of deterioration.
- (b) If a sign billboard permitted under Section 6.7.8 is abandoned, discontinued, blank, or is in disrepair for a period of ninety (90) days, it shall be cause for its removal. (For purposes of this section, a sign billboard is "blank" if:
 - (i) there is no advertising copy paid for by a person other than the sign billboard owner or advertising an interest other than the rental of the sign for said ninety (90) day period;
 - (ii) it advertises a business or service, enterprise or activity that is no longer operating or being offered or conducted; or
 - (iii) the advertising message it displays becomes illegible in whole or substantial part.) The Building Inspector shall notify the owner and/or manager of the sign billboard and property owner in writing, specifying a forty-five (45) day period to remove or repair. If the sign billboard has not been removed or repaired within the time period to the satisfaction of the Building Inspector, the Building Inspector may revoke the sign billboard permit and cause the sign billboard to be removed forthwith. All expenses for

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2. The proposed sign billboard will not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;
3. The sign billboard is in accordance with Section 7.4.3.1 of the Zoning Bylaws. Any Special Permit decision shall require compliance with Section 6.7.7.2 "Certificate of Insurance";
4. Any Special Permit decision shall require compliance with Section 6.7.7.3 "Location of sign billboard; inclusion of permit number on sign billboard";
5. Any Special Permit decision shall require compliance with Section 6.7.7.5 "Maintenance; inspection";
6. All permits are subject to any necessary approvals, restrictions and conditions required and/or issued by the Commonwealth of Massachusetts and/or the federal Government; and,

The Planning Board, in granting the special permit, shall attach such additional conditions and safeguards as it deems necessary.

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 - (iii) the advertising message it displays becomes illegible in whole or substantial part.) The Building Inspector shall notify the owner and/or manager of the sign billboard and property owner in writing, specifying a forty-five (45) day period to remove or repair. If the sign billboard has not been removed or repaired within the time period to the satisfaction of the Building Inspector, the Building Inspector may revoke the sign billboard permit and cause the sign billboard to be removed forthwith. All expenses for

the removal shall be borne by the sign billboard owner and/or property owner as determined by the Building Inspector.

If the Building Inspector determines that a sign billboard is an immediate threat to public safety irrespective of any stays granted to the sign billboard and/or property owner, the Building Inspector may cause any sign billboard, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, and/or the threatened public area cordoned off. All expenses for protecting the public, including the removal of said sign billboard or stabilization of the public safety threat, shall be borne by the ~~signowner~~ billboard owner and/or property owner as determined by the Building Inspector. A sign billboard which is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat abated, to the satisfaction of the Building Inspector.

6.7.8.5 Surety:

The Applicant shall provide a financial surety to the Town which will cover the full cost of the removal of any sign billboard which is found to be abandoned, discontinued, blank or is in disrepair, as determined under Section 6.7.8.4. The Applicant shall deposit with the Town Accountant a surety in an amount which shall be determined by the Planning Board. Upon removal of the sign billboard, any remaining funds shall be returned to the Applicant without interest.

6.7.8.6 Nothing in this Section 6.7.8 shall be applicable to On-Premise Signs, also known as accessory signs.

Or do anything in relation thereto.

Planning Board

Article 2:

To see if the Town will vote to amend the Stoneham Town Code, Chapter 9, Section 15, as follows, with addition to the current section as underlined below:

Chapter 19, Section 15:

All retail business establishments of any kind, nature or description, including, but not limited to convenience store, supermarkets and department stores, but excluding the restaurants and gasoline selling stations for the retail distribution of petroleum products and the retail and the convenience store products, in town shall be closed between the hours of 12:00 A.M. and 6:00 P.M. each day. (This change would allow a gas station/convenience store to be open 24 hours).

Arthur Sordillo

Article 3:

To see if the Town will vote to accept as a Public Way the following way as laid out by the Town Administrator and further described as follows:

A certain roadway situated in the Town of Stoneham, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point, on the easterly sideline of MacArthur Road and the southwesterly corner of land of Maryellen Sheehan, thence;

- | | |
|---------------|---|
| N 81°33'26" E | a distance of One Hundred Seventy-Seven and Twenty-Seven Hundredths (177.27') feet to a point, thence; |
| Northeasterly | along a curve to the left, a distance of Forty-Four and Eighty-Two Hundredths (44.82') feet with a radius of Eighty and Fifty Hundredths (80.50') feet to a point, thence; |
| N 49°39'20" E | a distance of One Hundred One and Thirty-Two Hundredths (101.32') feet to a point, thence; |
| Northerly | along a curve to the left, a distance of Thirty-Four and Forty-Three Hundredths (34.43') feet with a radius of Twenty-Five and Zero Hundredths (25.00') feet to a point, thence; |
| Southeasterly | along a non-tangent curve to the left, a distance of Eighty-Three and Fourteen Hundredths (83.14') feet with a radius of Two Hundred Fifty and Zero Hundredths (250.00') feet to a point, thence; |
| Westerly | along a non-tangent curve to the left, a distance of Thirty-Five and Seventy-Nine Hundredths (35.79') feet with a radius of Twenty-Five and Zero Hundredths (25.00') feet to a point, thence; |
| S 49°39'20" W | a distance of Ninety-Eight and Eighty-Four Hundredths (98.84') feet to a point, thence; |
| Westerly | along a curve to the right, a distance of Sixty-Seven and Sixty-Five Hundredths (67.65') feet with a radius of One Hundred Twenty-One and Fifty Hundredths (121.50') feet to a point, thence; |
| S 81°33'26" W | a distance of One Hundred Eighty-One and Eighty-Nine Hundredths (181.89') feet to a point, thence; |

N 02°00'57" W a distance of Forty-One and Twenty-Six Hundredths (41.26') feet to the point of beginning.

The roadway described is shown as "Spalding Road" on a plan to be recorded entitled, "Road Acceptance Plan of Land in Stoneham and Wakefield, MA," by Hancock Associates, dated December 23, 2015. Said "Spalding Road" contains Fourteen Thousand Eight Hundred and Forty-Six square feet more or less (14,846+/- S.F.)

Charles F. Houghton, Esq.

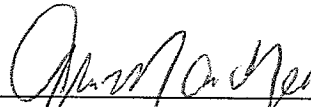
And you are directed to serve this Warrant by posting attested copies in at least ten (10) public places in the Town fourteen (14) days at least before the time for holding said meeting and by causing an attested

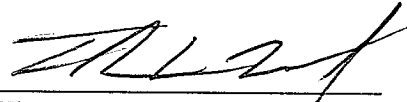
And you are directed to serve this Warrant by posting attested copies in at least ten (10) public places in the Town fourteen (14) days at least before the time for holding said meeting and by causing an attested copy to be published in some newspaper in the town, the publication to be not less than three (3) days before said meeting.

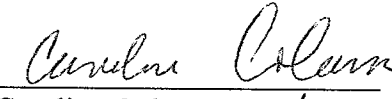
Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place aforesaid.


Given unto our hands this 13th day of April in the year of our Lord two thousand sixteen.

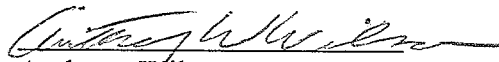
Board of Selectmen


Ann Marie O'Neill

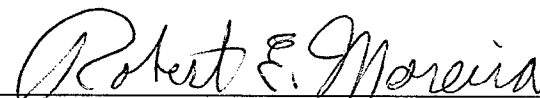

Thomas Boussey


Caroline Colarusso


George Seibold


Anthony Wilson

Pursuant to the within warrant I have notified and warned the inhabitants of the Town of Stoneham qualified to vote in elections and Town affairs of the within meeting by posting attested copies of the said Warrant in at least ten (10) public places in the Town on 4/13, 2016 and by publishing duly attested copy of said Warrant in the Stoneham Independent on April 12, 2016.

A true copy. Attest: 
Constable of Stoneham

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